

1 Michael J. McCue (Nevada Bar No. 6055)  
MMcCue@LRLaw.com  
2 John L. Krieger (Nevada Bar No. 6023)  
JKrieger@LRLaw.com  
3 Jonathan W. Fountain (Nevada Bar No. 10351)  
JFountain@LRLaw.com  
4 LEWIS AND ROCA LLP  
3993 Howard Hughes Parkway, Suite 600  
5 Las Vegas, NV 89169  
(702) 949-8200  
6 (702) 949-8398 fax

7 Attorneys for Plaintiff  
Nevada Property 1 LLC  
8  
9

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 NEVADA PROPERTY 1 LLC, a Delaware  
13 limited liability company,

14 Plaintiff,

15 v.

16 NEWCOSMOPOLITANLASVEGAS.COM,  
17 an unknown person or entity,

18 Defendant.

Case No. 2:12-cv-00866

**TEMPORARY RESTRAINING ORDER,  
ORDER PERMITTING ALTERNATIVE  
SERVICE AND ORDER SETTING  
HEARING ON PLAINTIFF'S MOTION  
FOR PRELIMINARY INJUNCTION**

19 **UPON CONSIDERATION** of Plaintiff's Emergency Motion For *Ex Parte* Temporary  
20 Restraining Order Without Notice, Motion For A Preliminary Injunction, And Motion For Leave  
21 To Serve Defendant By Email, the supporting memorandum of points and authorities, the  
22 supporting declaration of Anthony Pearl and the exhibits attached thereto, the record in this case,  
23 and for other good cause shown;

24 **THE COURT HEREBY FINDS THAT:**

25 1. Plaintiff will suffer irreparable injury to its valuable trademarks and associated  
26 goodwill if Defendant is not enjoined and restrained from transferring the  
27 <newcosmopolitanlasvegas.com> domain name to other domain name registrars or registrants and  
28 from using the domain name;

1           2.       Plaintiff is likely to succeed on the merits of its claim for cybersquatting;

2           3.       The balance of hardships tips in Plaintiff's favor because a temporary restraining  
3 order would merely prohibit Defendant from using the <newcosmopolitanlasvegas.com> domain  
4 name temporarily but the failure to issue a temporary restraining order would cause Plaintiff to  
5 suffer additional irreparable injury and incur additional expense if the domain name is transferred  
6 to other registrants or registrars located beyond the Court's jurisdiction, requiring Plaintiff to file  
7 additional lawsuits in other jurisdictions; and

8           4.       The issuance of a temporary restraining order is in the public interest because it  
9 would protect consumers against deception and confusion in the marketplace arising from the  
10 Defendant's use of the <newcosmopolitanlasvegas.com> domain name by persons other than  
11 Plaintiff;

12           **THEREFORE, IT IS HEREBY ORDERED THAT:**

13           A.       Jiangsu Bangning Science & Technology Co. Ltd. (the domain name registrar)  
14 and/or VeriSign, Inc. (the .com domain name registry) shall immediately remove or disable the  
15 current domain name server information to the registration for the  
16 <newcosmopolitanlasvegas.com> domain name, place the domain name on hold and lock, and  
17 deposit it into the registry of the Court; and

18           B.       Defendant, and all of his, her, or its respective partners, officers, agents, servants,  
19 employees, and all other persons acting in concert or participation with Defendant, are hereby  
20 temporarily restrained and enjoined from registering or trafficking in any domain name containing  
21 the COSMOPOLITAN Marks or any confusingly similar variations thereof, alone or in  
22 combination with any other letters, words, phrases or designs; and

23           **IT IS HEREBY FURTHER ORDERED THAT:**

24           A.       Plaintiff shall post a bond of \$100, based on the evidence establishing that  
25 Defendant will only suffer minimal damage, if any, by the issuance of this temporary restraining  
26 order. This requirement may be satisfied by tendering \$100 cash to the Clerk of the Court  
27 pursuant to Local Rule 67-1.


28           B.       Plaintiff shall serve the Summons, Complaint, this Order, Plaintiff's Emergency

1 Motion For *Ex Parte* Temporary Restraining Order Without Notice, For A Preliminary Injunction,  
2 And For Leave To Serve Defendant By Email, the Declaration of Anthony Pearl, and all other or  
3 further papers and pleadings in this case upon Defendant by e-mail transmission to the following  
4 email addresses: (1) newcosmopolitanlasvegas@whoisprotectionservice.org; and (2)  
5 cosmopolitan@newcosmopolitanlasvegas.com. Such service shall be fully effective and shall be  
6 deemed in full compliance with the requirements of Rule 4 of the Federal Rules of Civil  
7 Procedure.

8 C. The parties shall appear for hearing and oral argument on Plaintiff's motion for a  
9 preliminary injunction on June 1 2012, at 11:00 a.m. in Courtroom 6A at the  
10 Lloyd D. George Federal Courthouse, 333 South Las Vegas Boulevard, Las Vegas, Nevada;

11 D. Defendant shall file and serve its opposition to Plaintiff's motion for preliminary  
12 injunction, if any, no later than May 29, 2012; and Plaintiff shall file and serve its reply  
13 brief no later than May 31, 2012, at 12:00 p.m.

14 ENTERED May 23, 2012, at 3:00 p.m.

15  
16   
17 UNITED STATES DISTRICT JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28